

## § 604.21

("appellant") shall include in its appeal the basis for the appeal and evidence to support the position. The appellant shall send a copy of the appeal to the prevailing party ("appellee").

(b) The Administrator will only take action on an appeal if the appellant presents evidence that there are new matters of fact or points of law that were not available or not known during the investigation of the complaint.

(c) If the Administrator takes action on an appeal, the Administrator shall provide the appellee with 10 days from the receipt of the notice to respond to the evidence contained in the appeal.

(d) The Administrator shall send a copy of the appellee's response to the appellant and provide it with 10 days from the receipt of the notice to rebut the appellee's response.

(e) The Administrator shall endeavor to make a final determination on the appeal within 10 days of the receipt of the appellant's rebuttal.

[52 FR 11933, Apr. 13, 1987, as amended at 58 FR 52685, Oct. 12, 1993]

### § 604.21 Judicial review.

The Regional Administrator's decision, or the Administrator's decision on appeal, shall be final and conclusive on all parties, but it is subject to judicial review pursuant to sections 701–706 of Title 5 of the United States Code.

[52 FR 11933, Apr. 13, 1987, as amended at 58 FR 52685, Oct. 12, 1993]

## APPENDIX A TO PART 604

The following is a list of Federal assistance programs administered under the United States Department of Health and Human Services (HHS). The financial assistance under each of these HHS programs includes funding for the transportation needs of the program beneficiaries.

Program title	Agency
Project Grant and Cooperative Agreements for Tuberculosis Control Programs.	Public Health Service, HHS.
Mental Health Service for Cuban Entrants.	Public Health Service, HHS.
Mental Health Planning and Demonstration Projects.	Public Health Service, HHS.
Alcohol, Drug Abuse Treatment and Rehabilitation Block Grant.	Public Health Service, HHS.
Family Planning-Services .....	Public Health Service, HHS.
Community Health Centers ...	Public Health Service, HHS.

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Program title	Agency
Indian Health Services—Health Management Development Program.	Public Health Service, HHS.
Migrant Health Centers Grants.	Public Health Service, HHS.
Childhood Immunization Grants.	Public Health Service, HHS.
Administration for Children, Youth and Families (ACYF)—Head Start.	Office of Human Development Services, HHS.
ACYF Child Welfare Research and Demonstration Program.	Office of Human Development Services, HHS.
ACYF Runaway and Homeless Youth.	Office of Human Development Services, HHS.
ACYF Adoption Opportunities	Office of Human Development Services, HHS.
ACYF Child Abuse and Neglect (State Grants).	Office of Human Development Services, HHS.
ACYF Child Abuse and Neglect Discretionary.	Office of Human Development Services, HHS.
Administration for Native Americans (ANA) Native American Programs—Financial Assistance Grants.	Office of Human Development Services, HHS.
ANA Research, Demonstration and Evaluation.	Office of Human Development Services, HHS.
ANA Training and Technical Assistance.	Office of Human Development Services, HHS.
Administration of Developmental Disabilities (ADD)—Basic Support and Advocacy Grants.	Office of Human Development Services, HHS.
ADD Special Projects .....	Office of Human Development Services, HHS.
ADD University Affiliated Facilities.	Office of Human Development Services, HHS.
Administration on Aging (ADA) Special Programs for the Aging—Grants for Supportive Services and Senior Centers.	Office of Human Development Services, HHS Title III, Part B—
ADA Title III, Part C, Nutrition Services.	Office of Human Development Services, HHS.
ADA Grants to Indian Tribes	Office of Human Development Services, HHS.
ADA Training, Research and Discretionary Projects and Programs.	Office of Human Development Services, HHS.
Social Service Block Grant ...	Office of Human Development Services, HHS.
Medical Assistance Program Title XIX.	Health Care Financing Medicaid; Administration, HHS.
Medicare—Supplemental Medical Insurance.	Health Care Financing Administration, HHS.
Aid to Families with Dependent Children (AFDC)—Maintenance Assistance.	Family Support Administration, HHS.
Work Incentive Program .....	Family Support Administration, HHS.
Community Service Block Grant (CSBG).	Family Support Administration, HHS.
CSBG Discretionary Awards	Family Support Administration, HHS.
CSBG Discretionary Awards—Community Food and Nutrition.	Family Support Administration, HHS.
Social Security—Disability Insurance.	Social Security Administration, HHS.
Supplemental Security Income.	Social Security Administration, HHS.
Home Health Services and Training.	Public Health Service, HHS.

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Program title	Agency
Coal Miners Respiratory Impairment Treatment Clinics and Services.	Public Health Service, HHS.
Preventive Health Services—Sexually Transmitted Diseases Control Grants.	Public Health Service, HHS.
Health Programs for Refugees.	Public Health Service, HHS.

SOURCE: 41 FR 14128, Apr. 1, 1976, unless otherwise noted.

### Subpart A—General

#### § 605.1 Purpose.

(a) The purpose of this part is to prescribe policies and procedures to implement section 109(a) of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503; November 26, 1974; 88 Stat. 1565). Section 109(a) adds a new section 3(g) to the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1602(g)) and differs from section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)) in that section 3(g) applies to all grants for the construction or operation of mass transportation facilities and equipment under the Federal Mass Transit Act, and is not limited to grants for the purchase of buses as is section 164(b).

(b) By the terms of section 3(g) no Federal financial assistance may be provided for the construction or operation of facilities and equipment for use in providing public mass transportation service to an applicant unless the applicant and the Administrator enter into an agreement that the applicant will not engage in school bus operations exclusively for the transportation of students and school personnel, in competition with private school bus operators.

#### § 605.2 Scope.

These regulations apply to all recipients of financial assistance for the construction or operation of facilities and equipment for use in providing mass transportation under: (a) The Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); (b) 23 U.S.C. 142 (a) and (c); and 23 U.S.C. 103 (e)(4).

#### § 605.3 Definitions.

(a) Except as otherwise provided, terms defined in the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1604, 1608) are used in this part as so defined.

(b) For purposes of this part—

*The Acts* means the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 142 (a) and (c); and 23 U.S.C. 103(e)(4).

[53 FR 53355, Dec. 30, 1988]

## PART 605—SCHOOL BUS OPERATIONS

### Subpart A—General

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### Subpart B—School Bus Agreements

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605.18 Comments by private school bus operators.

605.19 Approval of school bus operations.

### Subpart C—Modification of Prior Agreements and Amendment of Application for Assistance

605.20 Modification of prior agreements.

605.21 Amendment of applications for assistance.

### Subpart D—Complaint Procedures and Remedies

605.30 Filing a complaint.

605.31 Notification to the respondent.

605.32 Accumulation of evidentiary material.

605.33 Adjudication.

605.34 Remedy where there has been a violation of the agreement.

605.35 Judicial review.

### Subpart E—Reporting and Records

605.40 Reports and information.

#### APPENDIX A TO PART 605

AUTHORITY: Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 103(e)(4); 23 U.S.C. 142 (a) and (c); and 49 CFR 1.51.